

In re Application of: Francesca LEVI-SCHAFFER et al
Serial No.: 10/594,926
Filed: April 30, 2008
Office Action Mailing Date: March 30, 2011

Examiner: Nora Maureen ROONEY
Group Art Unit: 1644
Attorney Docket: **32379**
Confirmation No.: 5770

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 42-45, 47, 48 and 50-53 are in this Application. Claims 42-45, 47, 48 50 and 51 have been allowed. Claims 52 and 53 have been rejected under 35 U.S.C. § 112. Claim 53 has been canceled herewith. Claim 52 has been amended herewith.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter of claims 42-45, 47-48 and 50-51.

Amendments To The Claims

Claim 52 has now been amended to include the limitation of the second target recognition component which specifically binds to a marker selected from the group consisting of IgE, cKIT and CCR3. Support for such a limitation is found throughout the instant specification, for Example, page 11, lines 11-16 and 27-29, and page 12, lines 1-4.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 52 and 53 under 35 U.S.C. first paragraph, because the specification, while being enabling for: a bispecific antibody comprising a first target recognition component which specifically binds to the inhibitory receptor IRp60; and a second target recognition component which specifically binds to a IgE, cKIT, CCR3, IL-5R or Fc ϵ R1 and a method of treating allergies using this bi-specific antibody, is not enabled for method as broadly claimed in claims 52 and 53. The Examiner's rejection is respectfully traversed. Claim 52 has now been amended. Claim 53 has now been canceled, without prejudice.

While rejecting the subject matter of pending claims 52 and 53, the Examiner has indicated that the specification *is* enabling for the method of treating allergies comprising administering a bi-specific antibody comprising: (i) a first

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target recognition component specifically binding IRp60; and (ii) a second target recognition component which binds IgE, cKIT or CCR3.

While traversing the rejection, but in order to expedite prosecution of this case, Applicant has elected to amend claim 52 in line with Examiner's opinion of the enabled and supported subject matter, thereby rendering moot the rejection in this case.

Conclusion

In view of the above amendments and remarks it is respectfully submitted that claims 42-45, 47-48, 50, 51 and 52 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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